

## **REMARKS**

---

Claims 1 - 9 now stand in the application. Claim 1 has been amended and new claims 8 and 9 have been added.

In one embodiment, a guitar's top is formed by a lenticular and a rigid top surface material as a typical wood. The lenticular is formed by an image sheet and lenticular lens sheet ("lenticulated surface") bonded therein and coextensive therewith. Thus, the lenticular is bonded on top of the wood to collectively form a laminated top.

To best understand the invention, a "lenticular" must be understood. A lenticular is defined as follows:

len•tic•u•lar adj.

1. Shaped like a biconvex lens;
2. Of or relating to a lens.

The American Heritage® Dictionary of the English Language, Fourth Edition  
Copyright © 2000 by Houghton Mifflin Company.

U.S. Patent No. 6,384,970 to Abe et al. issued May 7, 2002 discloses a lenticular sheet. (A copy of Abe et al. is submitted herewith merely as exemplary of a lenticulated sheet.) The sheet is plastic and formed with numerous convex lenses on one outer surface. The lenses (along with a process for making the image) create a series of images or multiple different images that may be seen through the lenticular sheet from multiple different angles. There may be two different images, e.g. images of different things, or an image of the same thing that has changed position. There may be more than two

images viewable from different angles. There may be a three dimensional effect. Another example of a lenticular sheet is in U.S. Patent No. 6,724,536 to Magee issued April 20, 2004.

On page 2 of the Action, claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartill in view of Janes.

In one embodiment of the invention, there is a lenticular sheet having at least one surface with numerous convex lenses thereon. The lenticular sheet has an image adhered and then is fixed to the top of a stringed instrument body or the like. The lenticular thus forms the exterior surface for a stringed instrument such as a guitar and the lenticular is part of the laminated structure that forms the top.

Hartill shows a guitar with a pick protector into which an image may be placed, and then replaced later if desired without removing or destroying the top of the guitar. The protector covers the area of the guitar that a pick is likely to impact. The guitar's top is unchanged and is standard.

The Janes patent simply shows a guitar body with adhesive as a bonding layer.

The lenticular plastic sheet of the invention is not simply a design choice of an image. The lenticular sheet is not flat, i.e., the lenses formed in the sheet make it have ridges. Such a material would not normally be considered for application to a guitar or stringed instrument. In particular, it would be of concern that the guitar top surface might be scratched and ruin the lenticular effect. However, the inventor has found that minor scratches from picks or the like do not ruin the lenticular effect.

Further, conventionally a guitar top is formed of wood and any image or decoration is placed on the top. Even assuming for the sake of argument that putting an

image on the entire top would have been obvious to one of ordinary skill at the time of the invention (and not with hindsight), the top itself would not include the image.

In the claimed invention, the lenticular sheet is part of the top. Hartill teaches away from a lenticular sheet.

Moreover, the application of such a sheet as part of the top of a guitar would lead one to believe it might detract from the quality of sound produced by the guitar or stringed instrument. Yet, in the claimed invention, the instrument top is formed integrally and as a laminate of the lenticular surface and the lenticular image. Hartill's purpose of having interchangeable images would be frustrated by the claimed invention and thus it would not have been obvious to combine Janes and Hartill to achieve the claimed invention. Hartill is only teaching a guitar pick protector and not a laminated top for the guitar. The protector and/or image is removable. Hartill teaches away from permanent bonding.

Although not necessary to patentability given that in the claimed invention the top is a laminate permanently formed from a lenticular lens plus image plus top layer (which forms the base of the laminated top, the disclosure at Col. 1, line 40 of Hartill is not that the pick protection surface is the entire surface of the guitar top. No one would make such a protector because protectors are for the pick area, and meant to preserve the standard polyurethane finish on the wood top of a guitar or stringed instrument. Further, even if the entire top surface were to be covered with an image in Hartill, that image is still removable and not part of the top, and also would not have the lenticular lenses and changing images or 3-D effect of the image. The present invention allows use of an inexpensive top material because the lenticulated surface goes on top of it and is

permanently bonded to it thus forming a laminated top. The invention thus eliminates the need for a high quality price of wood with polyurethane as the top.

Typically, a guitar top is made of a high quality wood. The wood must have no knots and have good grain and consistency. Such a top is expensive, e.g., approximately \$100 or more. The top must be sanded, then skillfully stained. A final polyurethane finish must also be carefully applied. The labor to form the top is skilled and expensive. In the claimed invention, because the top is formed with the lenticular as the outer laminated layer, staining and polyurethaning can be omitted and also a much lower quality piece of wood may be used. Moreover, lenticulars are typically only a few dollars, so the entire guitar top can be formed much less expensively, e.g., a small fraction of the cost of a standard top. Hartill in no way suggests any changes to the top.

New claim 8 has been added to emphasize the lenticular has lenses in an array.

New method claim 9 has been added for emphasis and is patentably distinct from the art of record for the same reasons as set forth above.

In view of the above amendments and remarks, reconsideration of the application and allowance of all of the claims are respectfully requested. If any issues remain which can be resolved by a supplemental response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

To truly appreciate the highly dramatic effect of the lenticular laminated top of the invention, a lenticular sheet and a guitar body with a laminated top are being hand carried to the Examiner. The lenticular sheet and guitar body are best viewed from at least about six to ten feet. Have someone hold the guitar or image and move it or you

Application No. 10/750,510  
Amendment dated September 6, 2005  
Reply to Office Action of May 4, 2005

move. The highly dramatic effect of the lenticular may also be seen by going to  
www.californiaguitars.com, and viewing the following web pages and videos thereon:

- 1) Michael Ripoll Playing California Jalapeno with Fractional Artwork; and
- 2) Shark/Dino artwork.

Respectfully submitted,

LAW OFFICES OF DAVID L. HOFFMAN



David L. Hoffman  
Reg. No. 32,469

Date: September 6, 2005

Encls.

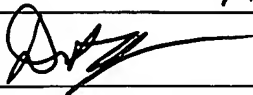
LAW OFFICES OF DAVID L. HOFFMAN  
27023 McBean Parkway, Ste. 422  
Valencia, CA 91355  
Tel: (661) 775-0300  
Fax: (661) 259-1255

Application No. 10/750,510  
Amendment dated September 6, 2005  
Reply to Office Action of May 4, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States  
Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on 9/6/05  
 9/6/05  
David L. Hoffman, Reg. No. 32,469 Date